

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

FRANCISCO SANTANA

Plaintiff,

vs.

BERGELECTRIC CORP.,

Defendant.

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EP- 11-CV-281-RPM

**DEFENDANT’S SUBMISSION OF FEES AND COSTS ASSOCIATED
WITH THE STATUS CONFERENCE OF AUGUST 31, 2011**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Bergelectric Corp. (“Bergelectric”), Defendant in the above-entitled and numbered cause, and pursuant to the oral orders entered at the status conference of August 31, 2011, submits the following information and evidence relating to fees and costs incurred with respect to said conference:

I.

Bergelectric incurred the following costs for its counsel to travel to and from El Paso and to attend the status conference:

Airfare: \$732.60 (*see* Exhibit A)

Lodging: \$231.91 (*see* Exhibit B)¹

Auto Rental: \$144.98 (*see* Exhibit C)

Airport Parking: \$20.00 (*see* Exhibit D)

Total costs incurred: \$1,129.49

¹ Lodging was necessary because counsel was unable to secure a flight itinerary that guaranteed arrival prior to the time the conference was scheduled to begin.

II.

Bergelectric incurred the following fees for its counsel to travel to and from El Paso and to attend the scheduling conference:

Travel to El Paso:	2.0 hours ² x \$290.00/hour = \$580.00
Prepare for Conference:	2.2 hours ³ x \$290.00/hour = \$638.00
Attend Conference:	1.8 hours ⁴ x \$290.00/hour = \$522.00
<u>Travel to Houston:</u>	<u>4.0 hours x \$290.00/hour = \$1,160.00</u>
TOTAL FEES	10.00 hours x \$290.00/hour = \$2,900

III.

Pursuant to the proceedings at the status conference of August 31, 2011, Bergelectric requests that the Court enter an order awarding Bergelectric recovery in the amount of \$4,029.49 for fees and costs associated with travel to and from El Paso, and to prepare for and attend the scheduling conference.

WHEREFORE, Bergelectric prays that the Court order Plaintiff's counsel to reimburse it in the amount of \$4,029.49 for fees and costs associated with travel to and from El Paso, and to attend the scheduling conference. Bergelectric further prays for all further relief and orders, both at law and in equity, to which it may be justly entitled.

² Counsel was in transit for a longer period of time but worked on other matters for some of that time.

³ Considering that the Motion for Remand and Opposition to Motion to Remand were undecided, Counsel fully prepared to discuss the merits of these pleadings, including legal arguments and relevant case authority.

⁴ The Court originally set the status conference for 10:30am. Therefore counsel arrived at the courthouse at 10:15am. The hearing did not begin until about 11:45am.

Respectfully submitted,

/s/Joseph W. Gagnon

JOSEPH W. GAGNON

Texas Bar No. 00787507

STEPHEN J. ROPPOLO

Texas Bar No. 00797939

MAURO RAMIREZ

Texas Bar No. 24060460

FISHER & PHILLIPS LLP

333 Clay Street

Suite 4000

Houston, TX 77002

Telephone: (713) 292-0150

Facsimile: (713) 292-0151

MORGAN BROADDUS

Texas Bar No. 03033100

GORDON DAVIS JOHNSON

& SHANE PC

4695 North Mesa St., Ste. 100

El Paso, TX 79912

Telephone: (915) 545-1133

Facsimile: (915) 545-4433

**ATTORNEYS FOR DEFENDANT,
BERGELECTRIC CORPORATION**

CERTIFICATION OF REVIEW

I, Mauro Ramirez, co-counsel for Bergelectric, certify that, pursuant to FED.R.CIV.P. 11, I have reviewed the foregoing submission of fees and costs associated with the scheduling conference of August 31, 2011. I certify to the Court that the costs reflected hereinabove were the actual amounts incurred with respect to airfare, lodging, and rental car; that the documents attached hereto as Exhibits A, B, C, and D are true and correct copies of my receipts associated with said costs; and that the receipts accurately reflect the amounts incurred for said costs.

I further certify that the time entries noted hereinabove reflect the actual time incurred by me and billed to Bergelectric for each task. I further certify that the hourly rate noted hereinabove reflects the actual rate charged to the client; and that it reflects the usual and customary rate billed by me to Bergelectric on this case.

/s/Mauro Ramirez
MAURO RAMIREZ

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed on this the 1st day of September, 2011 via the Court's CM/ECF system, which generates a service copy on all enrolled counsel of record, including counsel for Plaintiff, Raymond D. Martinez & Erin Martinez, Martinez & Martinez Law Firm, PLLC, 1017 Montana Avenue, El Paso, Texas 79902 and Defendant's co-counsel, Morgan Broaddus, Gordon, Davis, Johnson & Shane, P.C., 4695 North Mesa Street, Suite 100, El Paso, TX 79912.

/s/Joseph W. Gagnon
JOSEPH W. GAGNON